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10 Attorneys for Plaintiffs

11 UNITED STATES DISTRICT COURT

12 FOR THE NORTHERN DISTRICT OF CALIFORNIA

13 10 PENSION TRUST FUND FOR OPERATING
14 ENGINEERS; F.G. CROSTHWAITE and
15 RUSSELL E. BURNS, as Trustees,

16 Plaintiffs,

17 vs.

18 14 TRACTOR EQUIPMENT SALES, INC., a
19 California corporation, J.L. WHITE
INTERNATIONAL, INC., a California
corporation, TES ASSET MANAGEMENT
20 AND CONSULTING GROUP, a California
joint venture, and DOES 1-20

21 Defendants.

22 Case No.: C 12-01056 JSW

23 **REQUEST TO CONTINUE CASE
MANAGEMENT CONFERENCE AND
ALL RELATED DEADLINES;
[PROPOSED] ORDER THEREON**

24 Date: June 22, 2012

25 Time: 1:30 p.m.

26 Courtroom 11, 19th Floor

27 Judge: The Honorable Jeffrey S. White

28 20 Plaintiffs herein respectfully request that the Case Management Conference currently on
21 calendar for June 22, 2012, 1:30 p.m., and all related deadlines, including ADR deadlines, be
22 continued for 60 days, in anticipation of Plaintiffs filing a Request for Entry of Default and/or
23 amending the complaint to name new defendants.

24 1. Good Cause exists for the request: This action arises under the Employee
25 Retirement Income Security Act of 1974 (“ERISA”), as amended by the Multiemployer Pension
26 Plan Amendments Act of 1980 (29 U.S.C §§1001-1461 (1982)), to recover withdrawal liability
27 amounts owed by Tractor Equipment Sales, Inc. and its controlled group members to Plaintiffs

1 Pension Trust Fund for Operating Engineers, F.G. Crosthwaite, and Russell E. Burns
2 ("Plaintiffs").

3 2. On March 1, 2012 Plaintiffs filed a Complaint in this matter.

4 3. Service was effectuated on Defendants Tractor Equipment Sales, Inc., a California
5 corporation, J.L. White International, Inc., a California corporation, and TES Asset Management
6 and Consulting Group, a California joint venture, by personal service on Jim White, authorized
7 agent and/or officer for each Defendant on April 9, 2012. A proof of service was filed on April
8 19, 2012 (Docket 10).

9 4. Defendant Tractor Equipment Sales, a California corporation, filed a Chapter 7
10 Bankruptcy in the U.S. Bankruptcy Court, Northern District of California, on May 14, 2012.
11 Plaintiffs will be filing a Notice of Automatic Stay as to this Defendant. However, Plaintiffs are
12 trying to determine if any other Defendants are also affected by this bankruptcy.

13 5. As of the date of the filing of this request Defendants have failed to file a Response
14 to the Complaint and the time to do so has expired.

15 6. Plaintiffs' counsel has been contacted by Jim White, authorized agent for the
16 named defendants, regarding the lawsuit. Mr. White has provided information that may lead to
17 plaintiffs dismissing certain defendants and amending the complaint to add others. Plaintiffs will
18 need additional time to investigate and verify the information provided by Mr. White and amend
19 the complaint accordingly if needed, and/or take the non-responding defendants' default if
20 necessary.

21 7. Since no defendants have appeared in the action, there is no need to hold a Case
22 Management Conference or elect an ADR procedure.

23
24 Therefore, plaintiffs respectfully request that the Case Management Conference currently
25 scheduled for June 22, 2012, and all of its associated deadlines, be continued for 60 days in
26 anticipation of Plaintiffs filing a Request for Entry of Default and/or amending its complaint
27 and/or dismissing certain defendants.

28 ///

1 I declare under penalty of perjury that I am the attorney for the Plaintiffs in the above
2 entitled action, and that the foregoing is true of my own knowledge.

3 Executed this 29th day of May, 2012, at San Francisco, California.

4 SALTZMAN & JOHNSON LAW CORPORATION

5 By: _____ /S/
6 Julie A. Ostil
7 Attorneys for Plaintiffs

8

9 **ORDER**

10 IT IS SO ORDERED.

11 Based on the foregoing, and GOOD CAUSE APPEARING, the currently set Case
12 Management Conference is hereby continued to August 24, 2012 at 1:30 p.m. All related
13 deadlines, including ADR deadlines, are extended accordingly.

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15 Date: May 30, 2012

16 
17 THE HONORABLE JEFFREY S. WHITE
18 UNITED STATES DISTRICT JUDGE
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PROOF OF SERVICE

I, the undersigned, declare:

I am a citizen of the United States and am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to this action. My business address is 44 Montgomery Street, Suite 2110, San Francisco, California 94104.

6 On May 29, 2012, I served the following document(s):

REQUEST TO CONTINUE CASE MANAGEMENT CONFERENCE AND ALL RELATED DEADLINES; [PROPOSED] ORDER THEREON

on the interested parties to this action, in the manner described as follows, addressed as below:

10 XX **MAIL** by placing the envelope for collection and mailing on the date shown above
11 following our ordinary business practices. Being readily familiar with this business's
12 practice for collecting and processing correspondence for mailing, on the same day that
13 correspondence is placed for collection and mailing, it is deposited in the ordinary course
of business with the United States Postal Service in a sealed enveloped with postage fully
prepaid.

14 Tractor Equipment Sales, Inc
C/O Glenn Dagman, Agent for Service of
15 Process
705 Tully Road
16 San Jose, CA 95111

J.L. White International, Inc.
C/O Jim L. White, Agent for Service of Process
705 Tully Road
San Jose, CA 95111

17 TES Asset Management and Consulting Group
18 C/O Jim L. White
19 705 Tully Road
19 San Jose, CA 95111

21 I declare under penalty of perjury that the foregoing is true and correct and that this
22 declaration was executed on this 29th day of May, 2012, at San Francisco, California.